



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग दोन

वर्ष २, अंक ४३]

सोमवार, जुलै ११, २०१६/आषाढ २०, शके १९३८

[पृष्ठे ७, किंमत : रुपये १२.००

असाधारण क्रमांक ७१

प्राधिकृत प्रकाशन

कल्याण-डोंबिवली महानगरपालिका, कल्याण

जाहीर सूचना

(महाराष्ट्र प्रादेशिक व नगररचना अधिनियमाचे कलम ३७ अन्वये)

क्रमांक कंडोमपा/नरवि/११५५/१६

ज्याअर्थी, कल्याण-डोंबिवली महानगरपालिका क्षेत्राची सुधारित प्रारूप विकास योजना महापालिकेने ५डिसेंबर १९९६ रोजी नागरिकांच्या सूचना/हरकती मागविणेकरिता महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ चे कलम २६(१) अन्वये प्रसिद्ध केली आहे व उक्त अधिनियमाचे कलम ३० अन्वये दिनांक ४ डिसेंबर १९९९ रोजी शासनास मंजुरीसाठी सादर केली आहे.

शासनाच्या नगरविकास विभागाने निर्णय क्रमांक टीपीएस. १२०२/४६०/सीआर. ४१/२००२/युडी, दिनांक १६ जानेवारी २००४ रोजी महापालिकेची इमारत उपविधी व विकास नियंत्रण नियमावली (यापुढे उक्त नियम) मंजूर केली असून ती महानगरपालिकेस दिनांक २ एप्रिल २००४ पासून लागू आहे.

शासनाने कल्याण-डोंबिवली महानगरपालिकेच्या विकास नियंत्रण नियमावलीस दिनांक १६ जानेवारी २००४ रोजी मंजुरी दिलेली आहे. यामध्ये हस्तांतरणीय विकास हक्क प्रदान करणे व वापरणे संबंधात परिशिष्ट 'N' व परिशिष्ट 'W' मध्ये विनियम नमूद केलेले आहेत. यानुसार महापालिका विकास योजनेमधील विविध आरक्षणांनी बाधित भूखंडाचे सुपुर्दगीनंतर सदरच्या भूखंडाचे क्षेत्राएवढे ह.वि.ह. परिशिष्ट 'W' मधील विनियम तरतुदीस अधीन राहून मंजूर करण्यात येत होते. तसेच सदरचे उपलब्ध ह.वि.ह. महापालिकेच्या विकास नियंत्रण नियमावलीच्या परिशिष्ट 'N' मधील विनियम क्रमांक एन. १.४ (अ) व परिशिष्ट 'W' नुसार, महापालिका हद्दीमध्ये विविध धारक भूखंडावर (गावठाण व्यतिरिक्त), धारक भूखंड क्षेत्राच्या जास्तीत जास्त ८०% मर्यादेत ह.वि.ह. अनुज्ञेय करण्यात येतात.

प्रकरणी शासनाने दिनांक २९ जानेवारी २०१६ रोजीचे कोकण विभागातील महापालिकांमधील (बृहन्मुंबई महापालिका वगळून) हस्तांतरणीय विकास हक्क मंजूर करणेबाबत व वापराबाबत शासनाने टीपीएस. १८१३/३०६७/प्र.क्र. १२२/१२/मनपा-कोकण/नवि-१३, दिनांक २९ जानेवारी २०१३ नुसार शासन निर्णय निर्गमित केलेला आहे. तसेच उक्त शासन निर्णय दिनांक ३० जानेवारी २०१६ रोजीचे शासन राजपत्रामध्ये प्रसिद्ध झालेला आहे. यापूर्वी हस्तांतरणीय विकास हक्क मंजूर करणेबाबत व वापराबाबत महापालिकेच्या मंजूर विकास नियंत्रण नियमावली मधील परिशिष्ट 'W' नुसार कार्यवाही करण्यात येत आहे. तसेच हस्तांतरणीय विकास हक्काबाबत महापालिकेच्या विकास नियंत्रण नियमावली मधील परिशिष्ट 'W' ऐवजी उक्त शासन निर्णयामधील तरतुदी लागू करण्याबाबत नमूद आहे.

सदरहू शासन राजपत्रामधील तरतुदींच्या अनुषंगाने कल्याण-डोंबिवली महानगरपालिकेमधील हस्तांतरणीय विकास हक्क वापराबाबत निवासी व वाणिज्य इमारतीकरिता तरतूद मुख्यत्वे खालीलप्रमाणे आहे :—

#### 5.4 Utilisation of Transferable Development Rights (TDR) and road Width Relation :—

5.4.1 Notwithstanding anything contained in any regulation, the total maximum permissible builtup area and utilisation of *Transferable Development Rights (TDR)* on receiving plot shall be, subject to the road width, as prescribed below :—

Sr. No	Plots Fronting on Road Width	Maximum permissible TDR Loading		
		Plot area in sq. mt.		
(1)	(2)	Upto 1000 sq. mt. (3)	1000 to 4000 sq. mt. (4)	4000 sq. mt. and above (5)
1	9 mt and above but less than 12	0.2	0.4	0.4
2	12 mt and above but less than 18	0.3	0.5	0.65
3	18 mt and above but less than 24	0.3	0.6	0.9
4	24 mt and above but less than 30	0.3	0.8	1.15
5	Above than 30 mt.	0.3	1.0	1.4

Note.—

- Column No. 3, 4 and 5 shows the maximum permissible TDR that can be utilised on any plot. Provided that specific area based restriction on the maximum permissible utilisation limit prescribed by earlier Regulations shall remain in force except for Gaothan areas.
- FSI loading limit on such plot (Maximum building potential) shall be the basic FSI + TDR +Additional FSI on payment of premium if any.
- Maximum permissible TDR loading as mentioned above on any plot shall be exclusive of FSI allowed for inclusive housing if any.

प्रकरणी वरील राजपत्रापूर्वी महापालिका क्षेत्रामधील सेक्टर ३, ४, ६ व ७ मध्ये सरसकट ०.८ चटईक्षेत्र निर्देशांकाएवढे हस्तांतरणीय विकास हक्क वापरणेस्तव प्रस्तावित करण्यात येत होते. तसेच यापूर्वी महापालिका क्षेत्रामध्ये अधिमूल्य आकारून अतिरिक्त चटईक्षेत्र निर्देशांक मंजूर करण्याबाबत तरतूद नाही. त्यामुळे वरील राजपत्रामधील हस्तांतरणीय विकास हक्क वापरणेचा तक्ता व त्याखाली नमूद केलेल्या तरतुदींच्या अनुषंगाने भूखंडाची एकत्रित चटईक्षेत्र निर्देशांक मर्यादा कमी झालेली आहे. त्यामुळे या सेक्टर मधील बहुतांशी बांधकामे/इमारती यांचा सदर प्रकल्प सुरू करणेपूर्वी/करतांना ठरविलेल्या प्रमाणात (Permissible Potential) विकास करता येणार नाही. याचा प्रत्यक्ष परीणाम बांधकाम व्यवसायावर व अप्रत्यक्ष परीणाम महापालिका क्षेत्रामधील नागरिक/सदनिका ग्राहकांवर होणार आहे. लगतच्या ठाणे महापालिका क्षेत्राकरिता शासनाने दिनांक २८ ऑगस्ट २०१५ रोजीचे राजपत्रानुसार मध्ये अधिमूल्य आकारून अतिरिक्त चटईक्षेत्र निर्देशांक मंजूर करण्याबाबत तरतूद लागू केलेली आहे.

सद्यःस्थितीत महापालिकेच्या उत्पन्नातील घट तसेच विकास योजना प्रस्ताव विकसित करणेकरिता आवश्यक निधी विचारात घेता सदर प्रस्तावामध्ये मोठ्या प्रमाणात निधी प्राप्त होऊ शकेल.

वरील सर्व बाबींचा विचार करता अधिमूल्य आकारून अतिरिक्त चटईक्षेत्र निर्देशांक मंजूर करण्याबाबत, महानगरपालिकेच्या मंजूर विकास नियंत्रण नियमावलीमधील परिशिष्ट 'N' मध्ये नवीन तरतूद क्रमांक '1.4(f)' अंतर्भूत करणे गरजेचे झालेले आहे. सदर तरतूद खालीलप्रमाणे अंतर्भूत करणे उचित होईल.

#### (f) Provisions for Additional FSI in Residential, commercial and Industrial Zone—

The commissioner may permit additional FSI over and above the base FSI subject to the following conditions :—

- (1) Additional FSI is optional and non transferable. It is to be granted on application and to be used on same plot.

(2) (i) Additional FSI shall be permissible as shown in the table below, over and above permissible base FSI as per this regulation :

For Sector 1, 2 and 5

Sr. No.	Plots Fronting on Road width	Permissible Base FSI	Additional FSI on payment of premium**
1	9mt and above upto 30 mtr	1.00	0.25

~~\*\* (The Plot area upto 4000 Sq. Mtr. total Maximum FSI admissible as per Government resolution vide Dated 29th January 2016 i.e. restriction on the maximum permissible utilisation limit prescribed by earlier Regulations shall remain in force except for Gaothan areas) and Plot area above 4000 Sq. Mtr. and abutting road width 30 mtr and above, total maximum admissible FSI is proposed to be 2.4.)~~

For Sector 3, 4, 6 and 7 (~~For plot area upto 4000 Sq.Mtr.~~)

Sr. No.	Plots Fronting on Road width	Permissible Base FSI	Additional FSI on payment of premium
1	9mt and more	1.00	0.30

(ii) Provided further that no such additional FSI on payment of premium as mentioned above shall be permissible under these Regulations on any plot fronting on a road having width less than 9.00 Mts.

(iii) Additional FSI permissible under this regulation shall be on gross plot area, after deducting D.P. roads and reservations, if any.

(iv) Additional FSI under this regulation shall be permissible for residential users, commercial users.

*Explanations.*—The maximum permissible FSI on a plot for the purposes of this Regulation shall mean the sum total of Base FSI (*i.e.* Permissible FSI under the provisions of Appendix-N of these regulations) + total TDR/DR admissible as per Government resolution *vide* dated 29th January 2016) + Additional FSI on payment of premium + Road widening FSI of the very said plot if any.

However the Municipal Commissioner shall not grant any relaxation due to such allowable loading potential unless he himself satisfied that there is constraint on development. \*\* (दिनांक २ मे २०१६ रोजी पुरक पत्रानुसार)

(3) Premium for such additional FSI under this regulation shall be charged as per the rates prescribed in the Table herein below :

Rates to be charged as % of ASR Land Rates	
For Residential use	For Commercial use
60%	80%

*Explanations.*—The ASR Land Rates are land rates for the “Receiving plot” as mentioned in the Annual Statement of Rates, prepared by The Inspector General of Registration and Controller of Stamps, Maharashtra State for the year of utilization of additional FSI.

(4) The Commissioner shall utilize the Premium through Account for implementation of Development plan only.

(5) No vertical extension of any existing building (those having completion certificate) by utilizing additional FSI shall be permitted with erection of columns in the required marginal open spaces.

(6) Additional FSI shall be applicable for users which are permissible in residential, commercial.

(7) Tenements density shall be proportionately increased as per the increase in FSI above 1.00.

(8) Additional FSI shall not be permissible under the following circumstances :—

(i) Proposals as per Appendix-S.

(ii) Building in Gaothan/congested areas.

(iii) Educational/Medical/Institutional buildings, star category hotels, building of IT establishments etc. for which additional floor index is permissible under regulation No. N1.4.

(iv) Areas falling under CRZ Area.

(v) Areas where base FSI is less than 1.00.

(vi) Areas where construction/development is not otherwise permissible as per present DCR.

वरीलप्रमाणे महापालिकेच्या मंजूर विकास नियंत्रण नियमावलीमध्ये महापालिकेच्या मंजूर विकास नियंत्रण नियमावलीमधील परिशिष्ट 'N' मध्ये ३७(१) नुसार वरीलप्रमाणे फेरबदल करणेबाबत मा. सर्वसाधारण सभेने सभा क्रमांक २०, दिनांक १९ मार्च २०१६, विषय क्रमांक १८, ठराव क्रमांक २०२ अन्वये आयुक्त, कडोंमपा यांना प्राधिकृत करण्यास मंजूरी प्रदान केली आहे.

तद्नंतर शासनाने वर नमूद केलेल्या दिनांक २९ जानेवारी २०१६ रोजीचे हस्तांतरणीय विकास हक्क मंजूर करणेबाबत व वापराबाबतचे शासन निर्णय क्र. टीपीएस-१८१३/३०६७/प्र.क्र. १२२/१२/मनपा-कोकण/नवि-१३, दिनांक २९ जानेवारी २०१३ बाबत दिनांक २ मे २०१६ रोजी पूरकपत्र (Addendum) निर्गमित केलेले आहे. त्यामध्ये विनियम क्रमांक 5.4.1 Note (ii) मधील बदलाबाबत वर प्रस्तावित परिशिष्ट 'N' मध्ये मधील नवीन तरतूद क्रमांक '1.4/f' अ.क्र. २ मधील Explanation चे शेवटी नमूद केलेले आहे. तसेच सदर पूरकपत्र (Addendum) मध्ये हस्तांतरणीय विकास हक्काबाबत धारक भूखंडाचे क्षेत्राबाबत बंधन रद्द केलेले आहेत. त्याअनुषंगाने या जाहीर सूचनेमधील वर नमूद क्षेत्राचे बंधन रद्द करून '~~strike through~~' असे दर्शविण्यात आलेले आहे.

वरील प्रस्तावित केलेनुसार उक्त अधिनियमाचे कलम ३७(१) अन्वये करावयाच्या फेरबदलाचा तपशील महापालिकेच्या सहायक संचालक नगररचना, कल्याण-डोंबिवली महानगरपालिका, कल्याण यांचे कार्यालयात कार्यालयीन वेळेत कामकाजाच्या दिवशी पहाणेसाठी सूचना फलकावर उपलब्ध आहे. प्रस्तावित फेरबदल/समावेश याविषयी ज्या नागरिकांस हरकती/सूचना घ्यावयाच्या असतील त्यांनी लिखित स्वरूपात ही सूचना महाराष्ट्र शासनाच्या राजपत्रात प्रसिद्ध झाल्याचे दिनांकापासून तीस (३०) दिवसांचे आत कल्याण-डोंबिवली महानगरपालिकेच्या नगररचना विभागात सादर करणेत यावीत.

ई. रवींद्रन,

आयुक्त,

कल्याण-डोंबिवली महानगरपालिका, कल्याण.

कल्याण,

दिनांक २ जुलै २०१६.

**KALYAN DOMBIVALI MUNICIPAL CORPORATION, KALYAN****Notice****(Maharashtra Regional and Town Planning Act, 1966, Clause 37)**

No. KANDOMPA / Town Planning Dev./1155/16

Government of Maharashtra, *vide* its Notification No. TPS/1202/460/C.R. 41/2002/UD-12, dated 16th January 2004 has sanctioned Development Control Regulation (hereinafter referred to as the said regulation) for Kalyan Dombivali Municipal Corporation, to come into force with effect from 2nd April 2004.

And whereas, the Government, *vide* resolution dated 29th January 2016 (published in Government Gazette on dated 30th January 2016) has incorporated 'Regulations for Grant of Transferable Development Rights' in said regulations ;

And whereas, in the said regulations, provisions for utilization of Transferable Development Rights are as below :—

**5.4 Utilisation of Transferable Development Rights (TDR) and Road Width Relation :—**

5.4.1 Notwithstanding anything contained in any regulation, the total maximum permissible built-up area and utilisation of Transferable Development Rights (TDR) on receiving plot shall be, subject to the road width, as prescribed below :—

Sr. No	Plots Fronting on Road width	Maximum permissible TDR Loading		
		Plot area in sq. mt.		
		Upto 1000 sq. mt.	1000 to 4000 sq. mt.	4000 sq. mt. and above
(1)	(2)	(3)	(4)	(5)
1	9mt and above but less than 12	0.2	0.4	0.4
2	12mt and above but less than 18	0.3	0.5	0.65
3	18mt and above but less than 24	0.3	0.6	0.9
4	24mt and above but less than 30	0.3	0.8	1.15
5	Above than 30 mt	0.3	1.0	1.4

*Note.—*

- Column No. 3, 4 and 5 shows the maximum permissible TDR that can be utilised on any plot. Provided that specific area based restriction on the maximum permissible utilisation limit prescribed by earlier Regulations shall remain in force except for Gaothan areas.
- FSI loading limit on such plot (Maximum building potential) shall be the basic FSI + TDR +Additional FSI on payment of premium if any.
- Maximum permissible TDR loading as mentioned above on any plot shall be exclusive of FSI allowed for inclusive housing if any ;

And whereas, Before publication of this resolution, the Transferable Development Rights in corporation area were allowed upto 80% as per 'Appendix-W' of sanctioned Development control Regulations and there is no provision of additional FSI on payment of premium in said regulations ;

And whereas, for implementation of Development Plan and Development of various reservations and looking into the weak financial condition of Corporation, it is required to incorporate additional FSI on payment of premium as per Government resolution. And it has

become essential to incorporate new Regulation as No. '1.4/F') in Appendix-N of the sanctioned Development Control Regulations of Kalyan Dombivali Municipal Corporation as below :—

(f) Provisions for Additional FSI in Residential, Commercial and Industrial Zone—

The Commissioner may permit additional FSI over and above the base FSI subject to the following conditions :—

(1) Additional FSI is optional and non transferable. It is to be granted on application and to be used on same plot.

(2) (i) Additional FSI shall be permissible as shown in the table below, over and above permissible base FSI as per this regulation :—

For Sector 1, 2 and 5

Sr. No.	Plots Fronting on Road width	Permissible Base FSI	Additional FSI on payment of Premium**
1	9 mt and above upto 30 mtr	1.00	0.25

~~\*\* (The Plot area upto 4000 Sq. Mtr. total Maximum FSI admissible as per Government resolution vide Dated 29th January 2016 i.e. restriction on the maximum permissible utilisation limit prescribed by earlier Regulations shall remain in force except for Gaothan areas) and Plot area above 4000 Sq. Mtr. and abutting road width 30 mtr and above, total maximum admissible FSI is proposed to be 2.4.)~~

For Sector 3, 4, 6 and 7 (~~For plot area upto 4000 Sq. Mtr.~~)

Sr. No.	Plots Fronting on Road width	Permissible Base FSI	Additional FSI on payment of Premium
1	9mt and more	1.00	0.30

(ii) Provided further that no such additional FSI on payment of premium as mentioned above shall be permissible under these Regulations on any plot fronting on a road having width less than 9.00 Mtr.

(iii) Additional FSI permissible under this regulation shall be on gross plot area, after deducting D.P. roads and reservations, if any.

(iv) Additional FSI under this regulation shall be permissible for residential users, commercial users.

*Explanations.*—The maximum permissible FSI on a plot for the purposes of this Regulation shall mean the sum total of Base FSI (i.e. Permissible FSI under the provisions of Appendix-N of these regulations) + total TDR/DR admissible as per Government resolution vide Dated 29th January 2016) + Additional FSI on payment of premium + Road widening FSI of the very said plot if any.

However, the Municipal Commissioner shall not grant any relaxation due to such allowable loading potential unless he himself satisfied that there is constraint on development. \*\* (as per Addendum on Date 2 May 2016 to the said notification dated 29th January 2016).

(3) Premium for such additional FSI under this regulation shall be charged as per the rates prescribed in the Table herein below :—

Rates to be charged as % of ASR Land Rates	
For Residential use	For Commercial use
60%	80%

*Explanations.*—The ASR Land Rates are land rates for the “Receiving plot” as mentioned in the Annual Statement of Rates, prepared by The Inspector General of Registration and Controller of Stamps, Maharashtra State for the year of utilization of additional FSI.

(4) The Commissioner shall utilize the Premium through Account for implementation of Development plan only.

(5) No vertical extension of any existing building (those having completion certificate) by utilising additional FSI shall be permitted with erection of columns in the required marginal open spaces.

(6) Additional FSI shall be applicable for users which are permissible in residential, commercial.

(7) Tenements density shall be proportionately increased as per the increase in FSI above 1.00.

(8) Additional FSI shall not be permissible under the following circumstances :—

(i) Proposals as per Appendix-S.

(ii) Building in Gaothan/congested areas.

(iii) Educational/Medical/Institutional buildings, star category hotels, building of IT establishments etc. for which additional floor index is permissible under regulation No. N 1.4.

(iv) Areas falling under CRZ Area.

(v) Areas where base FSI is less than 1.00.

(vi) Areas where construction/development is not otherwise permissible as per present DCR.

And whereas, the Hon. General body of Kalyan Dombivali Municipal Corporation has passed the resolution No. 202, dated 19th March 2016 to incorporate new Regulation as No. ‘1.4/f’ in Appendix-N of the sanctioned Development Control Regulations of Kalyan Dombivali Municipal Corporation.

Thereafter the Government, has issued Addendum on Date 2nd May 2016 to the said notification dated 29th January 2016 (published in *Government Gazette* on dated 30th January 2016) and as per the amendment in ‘Regulation No. 5.4.1, Note II’ the change in ‘*maximum Building Potential*’ is shown in the Explanation note of Sr. No. 2 of above proposed Regulation ‘1.4/f’ in Appendix-N. Also the receiving plot area restrictions for ‘Transferable Development Rights’ are removed by this Addendum, accordingly the same are also cancelled in this public notice and shown as ‘~~striketrough~~’.

And all the details of said amendment are displayed at the Office of Assistant Director, Town Planning Department, Kalyan Dombivali Municipal Corporation.

I hereby inform all citizens regarding suggestions/objections if any, to proposed modification should be communicated in writing to Assistant Director, Town Planning Department, Kalyan Dombivali Municipal Corporation within 30 days from the date of publication of this notice in *Maharashtra Government Gazette*.

Kalyan,  
Dated 2nd July 2016.

E. RAVINDIRAN,  
Commissioner,  
Kalyan-Dombivali Municipal Corporation, Kalyan.